



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

May 11 2021

May 10, 2021

STATE CLEARINGHOUSE

Abraham Prado, Interim Development Services Director
City of Hollister
339 Fifth Street
Hollister, California 95023
abraham.prado@hollister.ca.gov

Subject: Hollister General Plan Update 2040, Climate Action Plan, and Sphere of Influence Amendments and Annexations Environmental Impact Report (EIR) Project (Project) Notice of Preparation (NOP) SCH No.: 2021040277

Dear Mr. Prado:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Hollister for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Hollister

Objective: The City of Hollister's existing General Plan was adopted in 2005, with a horizon year of 2023. Since the horizon year is approaching, the City is now updating its plan to extend the planning period to 2040. The Hollister General Plan Update will build off the current General Plan and provide a framework for land use, transportation, and conservation decisions through the year 2040. The proposed General Plan will direct future growth within the EIR Study Area and address the city's vulnerability to environmental challenges such as earthquakes, wildland fires, and other hazards identified in the proposed Local Hazard Mitigation Plan and Climate Action Plan to be completed concurrently with the General Plan Update. The General Plan is intended to respond to local and regional housing needs, foster economic growth and local job creation, enhance civic identity and placemaking, and protect sensitive natural resources. The proposed Climate Action Plan (CAP) will identify strategies and measures to reduce greenhouse gas emissions generated by existing and potential future uses in Hollister. The General Plan Update could potentially lead to Sphere of Influence (SOI) amendments and annexations that would accommodate future housing sites and limited commercial development.

Location: The Project encompasses the Hollister City Limits, the SOI, Urban Service Area, and Planning Area located in San Benito County, also referred to as the EIR Study Area.

Timeframe: The proposed project would extend its planning period to 2040.

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COMMENTS AND RECOMMENDATIONS

The NOP indicates that the Environmental Impact Report (EIR) for the Project will describe existing environmental conditions in the Project area, and analyze potential impacts resulting from Project activities. The EIR will also identify and evaluate alternatives to the proposed project.

When an EIR is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation. There are numerous special-status species that have been documented in the Project vicinity (CDFW 2021) that may be present at individual Project sites in the Project area. These resources need to be addressed prior to any approvals that would allow ground-disturbing activities or land use changes to adequately assess potential impacts. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and the steelhead south-central California Coast Distinct Population Segment (DPS) (*Oncorhynchus mykiss irideus* pop. 9); the State and federally threatened California tiger salamander (*Ambystoma californiense*); the Federally threatened and State Species of Concern California red-legged frog (*Rana draytonii*); the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*); the State species of special concern burrowing owl (*Athene cunicularia*), western spadefoot (*Spea hammondi*), western pond turtle (*Emys marmorata*), San Joaquin Coachwhip (*Masticophis flagellum ruddocki*) and American badger (*Taxidea taxus*).

CDFW also recommends consulting with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) on potential impacts to federally listed species including, but not limited to, San Joaquin kit fox, vernal pool fairy shrimp, steelhead, California tiger salamander, and California red-legged frog. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS and NMFS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

In addition to potential species impacts, it is likely that some Project activities that will be subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. If a Lake or Streambed Alteration Agreement (LSAA) is needed, CDFW is required to comply with CEQA in the issuance or the renewal of a LSAA. Therefore, for efficiency in environmental compliance, we recommend that any potential lake or stream disturbance that may result from Project activities be described, and mitigation for the

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disturbance be developed as part of the EIR. This will reduce the need for the CDFW to require extensive additional environmental review for a LSAA in the future. If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA until CEQA analysis for the project is complete. This may lead to considerable Project delays.

CDFW is available to meet with you ahead of draft EIR preparation to discuss potential impacts and possible mitigation measures for some or all of the resources that may be analyzed in the draft EIR. If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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for Julie A. Vance
Regional Manager

ec: Leilani Takano
United States Fish and Wildlife Service
leilani_takano@fws.gov

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Literature Cited

CDFW. 2021. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>. Accessed May 1, 2021.